

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**MICHAEL BISHOP** §  
§  
*Plaintiff,* §  
§  
v. § **CIVIL ACTION NO. 9:13-CV-82**  
§  
§  
§  
**THOMAS P. BOSTICK, et al.,** §  
§  
*Defendants.* §

**ORDER ADOPTING REPORT AND RECOMMENDATION  
ON MOTIONS FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court, Eastern District of Texas, the Court referred this proceeding to United States Magistrate Judge Keith F. Giblin for pretrial management. On August 31, 2015, Judge Giblin issued his Report and Recommendation on the parties' competing motions for summary judgment. Judge Giblin recommended that this District Court grant the motions for summary judgment filed by the federal defendants (the United States Army Corps of Engineers and several officers with the Corps) and the defendants/intervenors TransCanada Keystone Pipeline, LP, and TransCanada Corporation. He also recommended that the Court deny the *pro se* plaintiff's motion for summary judgment and enter judgment in favor of the defendants and intervenors on all of the plaintiff's claims.

To date, no party has filed objections to Judge Giblin's findings and recommendation in accordance with Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b). The Court has conducted a *de novo* review of the record and the applicable law. *See* FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b). After careful consideration, the Court accepts Judge Giblin's recommended

disposition. The Court therefore **ORDERS** that the Report and Recommendation on Motions for Summary Judgment [Doc. #67] is **ADOPTED**. Pursuant to the magistrate judge's recommendation, the Court further **ORDERS** that the defendant and intervenors' motions for summary judgment [Doc. #58 and Doc. #59] are **GRANTED** and plaintiff's motion for summary judgment [Doc. #53] is **DENIED**. The Court will enter final judgment separately.

**SIGNED** this 21st day of September, 2015.



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE